

CHARGE SHEET

06h 6 Jul 06

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, Middle Initial) BARKER, James P.		2. SSN [REDACTED]	3. GRADE OR RANK SPC	4. PAY GRADE E4
5. UNIT OR ORGANIZATION Company B, 1st Battalion, 502d Infantry Regiment, 101st Airborne Division (Air Assault), Camp Striker, Iraq, APO AE 09398			6. CURRENT SERVICE	
			a. INITIAL DATE 7 Jul 05	b. TERM 4 years
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
\$1,842.60	\$100.00	\$1,942.60		

II. CHARGES AND SPECIFICATIONS

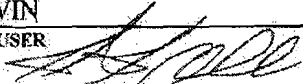
10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 81

SPECIFICATION 1: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, between on or about 5 March 2006 and on or about 12 March 2006, conspire with Sergeant Paul Cortez, Private First Class Bryan Howard, Private First Class Jesse Spielman and Private First Class Steven Green to commit offenses under the Uniform Code of Military Justice, to wit: rape and premeditated murder, and in order to effect the object of the conspiracy, the said Specialist James P. Barker, Sergeant Paul Cortez, Private First Class Jesse Spielman and Private First Class Steven Green did unlawfully enter the home of Kassim Hamzah Rashid Al Janabi and commit the offenses of rape and murder therein.

SPECIFICATION 2: In that Specialist James P. Barker, U.S. Army, did, on or about 12 March 2006, conspire with Sergeant Paul Cortez, Private First Class Bryan Howard, Private First Class Jesse Spielman and Private First Class Steven Green to commit an offense under the Uniform Code of Military Justice, to wit: obstruction of justice in the cases of the said Specialist James P. Barker, Sergeant Paul Cortez, Private First Class Jesse Spielman, Private First Class Bryan Howard and Private First Class Steven Green with regard to the murders of Kassim Hamzah Rashid Al Janabi, Fakhriah Taha Mahsin Moussa Al Janabi, Abier Kassim Hamzah Rashid Al Janabi, and Hadeel Kassim Hamzah Rashid Al Janabi and the rape of Abier Kassim Hamzah Rashid Al Janabi, and in order to effect the object of the conspiracy, the said Specialist James P. Barker, Sergeant Paul Cortez, Private First Class Jesse Spielman and Private First Class Steven Green did cause to be burned the body of Abier Kassim Hamzah Rashid Al Janabi, the said Specialist James P. Barker, Sergeant Paul Cortez, and Private First Class Steven Green did cause to be burned the clothes they wore during the aforementioned murders and rape, and the said Private First Class Jesse Spielman threw into a canal a firearm used to commit the aforementioned murders.

(SEE CONTINUATION SHEET)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, Middle Initial) JOHN GOODWIN	b. GRADE CPT	c. ORGANIZATION OF ACCUSER B/1-502d Inf Regt
d. SIGNATURE OF ACCUSER 		e. DATE (YYYYMMDD) 20060708

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 8th day of July, 2006, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

ALEXANDER PICKANDS

Typed Name of Officer

HHC, 2d BCT

Organization of Officer

CPT

Grade

Trial Counsel

Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)Signature


12.

On 08 JULY 2006, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

JOHN GOODWIN

Typed Name of Immediate Commander

B/I-502d Inf Regt

Organization of Immediate Commander

CPT

Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1700 hours, 8 JULY, 2006 at HQ, I-502d Inf Regt
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

THOMAS G. KUNK

Typed Name of Officer

FOR THE¹

Commander

Official Capacity of Officer Signing

LTC

Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE (YYYYMMDD)

Referred for trial to the _____ court-martial convened by _____

_____, subject to the following instructions:²

By Command _____ Of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15.

On _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.

2 — See R.C.M. 601(e) concerning instructions. If none, so state.

Continuation Sheet 1, DD Form 458, Pertaining to SPC JAMES P. BARKER, [REDACTED], B/1-502d Inf Regt, CAMP STRIKER, IRAQ, APO AE 09398

Item 10 (Cont'd):

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 92

SPECIFICATION: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, on or about 12 March 2006, violate a lawful general order, to wit: paragraph 2c, Multi-National Division - Baghdad General Order Number 1, dated 7 January 2006, by wrongfully consuming alcohol while in Iraq.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 118

SPECIFICATION 1: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, on or about 12 March 2006, with premeditation and while perpetrating rape, murder Kassim Hamzah Rashid Al Janabi by means of shooting him with a firearm.

SPECIFICATION 2: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, on or about 12 March 2006, with premeditation and while perpetrating rape, murder Fakhriah Taha Mahsin Moussa Al Janabi by means of shooting her with a firearm.

SPECIFICATION 3: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, on or about 12 March 2006, with premeditation and while perpetrating rape, murder Abier Kassim Hamzah Rashid Al Janabi, a person who had not yet attained the age of 15 years, by means of shooting her with a firearm.

SPECIFICATION 4: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, on or about 12 March 2006, with premeditation and while perpetrating rape, murder Hadeel Kassim Hamzah Rashid Al Janabi, a person who had not yet attained the age of 15 years, by means of shooting her with a firearm.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 120

SPECIFICATION: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, on or about 12 March 2006, rape Abier Kassim Hamzah Rashid Al Janabi, a person who had attained the age of 12 years but had not attained the age of 16 years.

CHARGE V: VIOLATION OF THE UCMJ, ARTICLE 126

SPECIFICATION: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, on or about 12 March 2006, willfully and maliciously set fire to a house, the property of Kassim Hamzah Rashid Al Janabi, of a value of more than \$500.00.

CHARGE VI: VIOLATION OF THE UCMJ, ARTICLE 130

SPECIFICATION: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, on or about 12 March 2006, unlawfully enter a dwelling, the property of Kassim Hamzah Rashid Al Janabi, with intent to commit criminal offenses, to wit: rape and premeditated murder, therein.

(SEE CONTINUATION SHEET 2)

Continuation Sheet 2, DD Form 458, Pertaining to SPC JAMES P. BARKER, [REDACTED], B/1-502d Inf Regt, CAMP STRIKER, IRAQ, APO AE 09398

Item 10 (Cont'd):

CHARGE VII: VIOLATION OF THE UCMJ, ARTICLE 134

SPECIFICATION 1: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, on or about 12 March 2006, wrongfully endeavor to impede an investigation in the case of the said Specialist James P. Barker, Sergeant Paul Cortez, Private First Class Jesse Spielman, Private First Class Byran Howard and Private First Class Steven Green regarding the murders of Kassim Hamzah Rashid Al Janabi, Fakhriah Taha Mahsin Moussa Al Janabi, Abier Kassim Hamzah Rashid Al Janabi, and Hadeel Kassim Hamzah Rashid Al Janabi and the rape of Abier Kassim Hamzah Rashid Al Janabi by causing to be burned the clothes the said Specialist James P. Barker wore during the aforementioned murders and rape.

SPECIFICATION 2: In that Specialist James P. Barker, U.S. Army, did, at or near Yousifiyah, Iraq, on or about 12 March 2006, wrongfully endeavor to impede an investigation in the case of the said Specialist James P. Barker, Sergeant Paul Cortez, Private First Class Jesse Spielman, Private First Class Byran Howard and Private First Class Steven Green regarding the rape of Abier Kassim Hamzah Rashid Al Janabi by causing to be burned the body of the aforementioned Abier Kassim Hamzah Rashid Al Janabi.